

STATE OF MICHIGAN
COURT OF APPEALS

SPECIAL PROPERTY VI LLC,

Plaintiff-Appellee,

v

EDWARD WOODRUFF and BARBARA T.
BOYKIN,

Defendants,

and

NEW CENTURY MORTGAGE CORP.,

Defendant-Appellant.

FOR PUBLICATION
January 11, 2007
9:00 a.m.

No. 271195
Wayne Circuit Court
LC No. 04-434971-CH

Official Reported Version

Before: Owens, P.J., and White and Hoekstra, JJ.

WHITE, J. (*concurring in part and dissenting in part*).

I agree that the court erred in granting summary disposition to plaintiff. However, rather than remand for the entry of a judgment providing that defendant holds the property free and clear of any claim of plaintiff, I would remand for further proceedings. Plaintiff included a claim for unjust enrichment, which, with respect to this defendant, would be relevant regarding the taxes paid to redeem the property. Further, there was evidence that Woodruff, through whom defendant claims its interest, was involved in the forgery and that Woodruff had negotiated an arrangement with Lancaster by which the property would be transferred for the payment of taxes, which were paid as part of the transaction that Woodruff arranged with Boykin and plaintiff. In short, I believe this case requires a trial and findings of fact before title can be quieted in defendant.

/s/ Helene N. White